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FACSIMILE TRANSMISSION

Total number of pages including cover page: 7

TO:	PHONE #:	FAX #:
Examiner Sumesh Kaushal Group Art Unit: 1636 Commissioner for Patents	(571) 272-0769	(571) 273-8300

From : Stacy L. Taylor
Email Address : staylor@foley.com
Sender's Direct Dial : (858) 847-6720
Date : September 6, 2006
Client/Matter No : 041673-1001
User ID No : 9055

MESSAGE:

Re: United States Patent Application No. 09/954,571

Following are:

1. Amendment Transmittal (3 pgs.); and
2. Response to Notice of Non-Compliant Amendment (3 pgs).

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Mercedes F. "Ched" Dipasupil
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CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Cover Page 1 of 1

DLMR_288954.1

PAGE 1/7 * RCVD AT 9/6/2006 6:13:43 PM [Eastern Daylight Time] * SVR:USPTO-EFAXRF-3/3 * DNIS:2738300 * CSID: * DURATION (mm-ss):02-04

SEP 06 2006

Atty. Dkt. No. 041673-1001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chien

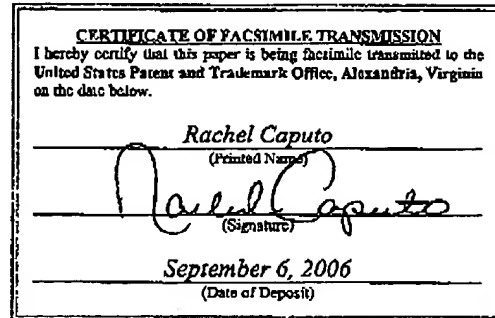
Title: HIGH EFFICIENCY CARDIAC
GENE TRANSFER

Appl. No.: 09/954,571

Filing Date: 9/11/2001

Examiner: Kaushal, Sumesh

Art Unit: 1636

Confirmation 7236
Number:**AMENDMENT TRANSMITTAL**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☐ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous
assertion of Small Entity status.
- ☐ Assertion of Small Entity status is enclosed.

Atty. Dkt. No. 041673-1001

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	6	-	86	=	0	x	\$50.00	=	\$0.00
Independent Claims:	1	-	3	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL									\$0.00

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

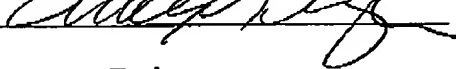
<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
Extension Fees Previously Paid:		\$0.00
TOTAL FEE:		\$0.00

Atty. Dkt. No. 041673-1001

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 9-6-06By 

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6720
Facsimile: (858) 792-6773

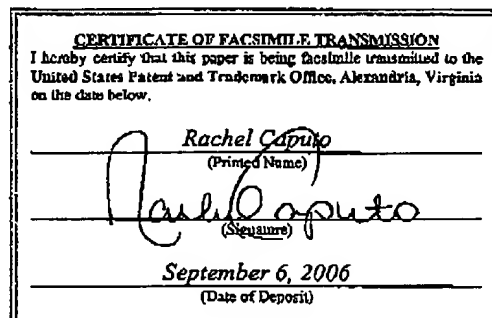
Stacy L. Taylor
Attorney for Applicant
Registration No. 34,842

SEP 06 2006

Atty. Dkt. No. 041673-1001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chien
Title: HIGH EFFICIENCY CARDIAC
GENE TRANSFER
Appl. No.: 09/954,571
Filing Date: 09/11/2001
Examiner: Kaushal, Sumesh
Art Unit: 1636
Confirmation Number: 7236

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Notice of Non-Compliant Amendment dated August 21, 2006, concerning the above-referenced patent application. The Notice objected to the Amendment as not including Claim 59.

The pertinent portion of the amendment (page 2 thereof) has been corrected and the corrections are submitted herewith to confirm that Claim 59 has been previously canceled, in compliance with the Notice. Entry of the corrected portion of the amendment is therefore respectfully requested.

-1-

DLMR_287847.1

Atty. Dkt. No. 041673-1001

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date

9-6-06

By



FOLEY & LARDNER LLP

Customer Number: 30542

Telephone: (858) 847-6720

Facsimile: (858) 792-6773

Stacy L. Taylor

Attorney for Applicant

Registration No. 34,842